

AMENDED IN SENATE AUGUST 30, 2005

AMENDED IN ASSEMBLY MAY 27, 2005

AMENDED IN ASSEMBLY APRIL 18, 2005

AMENDED IN ASSEMBLY APRIL 5, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 826

Introduced by Assembly Member Nava

**(Coauthors: Assembly Members Laird, Maze, *Salinas*, and
Torrico)**

(Coauthors: Senators Denham and ~~Ducheny~~, *Ducheny*, and *Torlakson*)

February 18, 2005

An act to add Article 3 (commencing with Section 9100) to Chapter 10 of Part 6 of the Education Code, and to add Chapter 5 (commencing with Section 43600) to Division 17 of the Food and Agricultural Code, relating to child nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 826, as amended, Nava. California Farm to School Child Nutrition Improvement Program.

Existing law, the Child Nutrition Act of 1974, among other things, requires the State Department of Education to develop and maintain nutrition guidelines for school lunches and breakfasts, and all food and beverages sold at schoolsites, as specified.

This bill would establish the California Farm to School Child Nutrition Improvement Program. This bill would require the State Department of Education, in collaboration with the Department of Food and Agriculture and the State Department of Health Services, to implement the program. This bill would require the State Department

of Education to offer voluntary Farm to School workshops and training sessions, as specified, to school food service directors and school food service personnel on the purchasing and use of seasonal fruits and vegetables from local farmers for use in federally reimbursable meal programs and other meals served on campus. This bill would require the Department of Food and Agriculture, to the extent funding is available, to provide outreach and technical assistance to farmers and others in the agricultural industry seeking to establish or participate in a local Farm to School program, *and also to work with the United States Department of Defense to establish a DOD Farm to School program in California, as specified, and to assist commodity growers in overcoming their barriers to participation in the program.* This bill would allow the State Department of Education to contract with qualified organizations, as specified, for general or specialized services to implement those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3 (commencing with Section 9100) is
2 added to Chapter 10 of Part 6 of the Education Code, to read:

3
4 Article 3. California Farm to School Child Nutrition
5 Improvement Act
6

7 9100. The Legislature finds and declares all of the following:

8 (a) According to the Centers for Disease Control and
9 Prevention, less than 20 percent of young people and only about
10 25 percent of adults eat the recommended five or more servings
11 of fruits and vegetables each day. A recent study in the New
12 England Journal of Medicine finds that, unless reversed, in the
13 next 50 years obesity will shorten life expectancy in the United
14 States by two to five years, exceeding the impact of cancer or
15 heart disease.

16 (b) The State Department of Health Services, pursuant to
17 Article 2 (commencing with Section 104650) of Chapter 2 of
18 Part 3 of Division 103 of the Health and Safety Code, has
19 implemented the “5 A Day-For Better Health” program for the

purpose of promoting public awareness of the need to increase the consumption of fruits and vegetables as part of a low-fat, high-fiber diet in order to improve health and prevent major chronic diseases, including diet-related cancers.

(c) The 2002 Farm Bill encourages schools participating in the National School Lunch Program and the School Breakfast Program to purchase ~~local~~ *locally produced* foods where practicable. The USDA Food and Nutrition Service encourages food service directors to purchase from farmers in their region.

(d) About 250 schools in 25 school districts in California have worked successfully with farmers to implement Farm to School programs that provide fresh, locally grown fruits and vegetables to school cafeterias, but various barriers restrict their broader adoption.

(e) Farm to School programs link schools and farms in order to provide ~~fresh seasonally grown~~ *schools with fresh and minimally processed* farm commodities for *inclusion in* school meals and snacks, *to* help children develop healthy eating habits ~~and, and~~ *to* improve farmers' incomes and direct access to markets.

(f) In addition to procuring farm fresh foods for school menus, including salad bars, meals and snacks, Farm to School programs often include activities that provide students with hands-on learning opportunities, such as farm visits, cooking demonstrations, and school gardening and composting programs, and integrate nutrition and agriculture education into school curricula.

~~(g) Farm to School programs may do all of the following:~~

~~(1) Improve the nutritional quality of foods served in school lunch programs in an effort to prevent obesity and other diet-related diseases.~~

~~(2) Provide opportunities for farmers to market more directly to local schools, thereby reducing labor and transportation costs and earning a higher net profit.~~

~~(3) Offer students fresh, ripe, seasonal fruits and vegetables that are bursting with flavor so they learn to like foods at a time when they are developing life-long eating habits.~~

~~(4) Reinforce nutrition education that occurs in the classroom by increasing access to fresh fruits and vegetables through the National School Lunch Program.~~

~~(5) Strengthen the economic viability of farms, and thereby strengthen rural economies, discourage the conversion of farmland, and prevent urban sprawl.~~

~~(6) Provide a useful model to farmers and the state for the creation of Farm to Cafeteria programs that link farmers more directly with other public and private institutions that serve meals, including universities, hospitals, nursing homes, and prisons.~~

(g) Consistent with the National School Lunch Program and the School Breakfast Program, Farm to School programs emphasize the purchase by school districts of locally produced foods to strengthen local farm economies, provide fresh farm commodities to pupils, including fruits, vegetables, and nuts, establish educational links between farmers and pupils, thrive on the support and innovation of school districts, parents, and farmers, and provide a marketing opportunity to all California farmers who wish to participate in and can meet the needs of a Farm to School program.

(h) A successful statewide Farm to School program will require the resources, expertise, and collaboration of a variety of state agencies, including the Department of Education, the State Department of Food and Agriculture, and the State Department of Health Services.

(i) It is in the interest of the state to take all feasible steps to diminish barriers to, and encourage the implementation of, Farm to School programs *that emphasize the purchase of locally and regionally produced foods*, in order to improve child nutrition and strengthen local and regional farm economies. It is further in the interest of the state that all state agencies with a responsibility to implement a statewide Farm to School program take all feasible steps to collaborate effectively and provide available resources to ensure the success of the program.

9101. This article shall be known and may be cited as the California Farm to School Child Nutrition Improvement Act.

9102. For the purposes of this article, the following terms have the following meanings:

(a) “CDFA” means the Department of Food and Agriculture.

(b) “DHS” means the State Department of Health Services.

(c) “DoD Fresh Fruit and Vegetable Program” means a program administered by the United States Department of

1 Defense that uses the produce purchasing infrastructure of that
2 department to buy fresh fruits and vegetables from in-state
3 farmers for public institutions other than military bases.

4 (d) “Program” means the California Farm to School Child
5 Nutrition Improvement Program established pursuant to this
6 article.

7 (e) “5 A Day-For Better Health” means the program
8 implemented by DHS pursuant to Article 2 (commencing with
9 Section 104650) of Chapter 2 of Part 3 of Division 103 of the
10 Health and Safety Code for the purpose of promoting public
11 awareness of the need to increase the consumption of fruits and
12 vegetables as part of a low-fat, high-fiber diet in order to improve
13 health and prevent major chronic diseases, including diet-related
14 cancers.

15 (f) “Offering list” means the list of products available through
16 the DoD Fresh Fruit and Vegetable Program that schools receive
17 from the Department of Education.

18 9103. It is the policy of the state to encourage and take all
19 feasible steps to increase the direct purchase of locally grown and
20 California-grown farm products by public schools and to assist
21 school districts and farmers in establishing and maintaining
22 successful Farm to School programs. It is further the policy of
23 the state to, as feasible, expand the Farm to School concept to
24 other public institutions, including, but not limited to,
25 universities, public hospitals, and correctional facilities.

26 9104. (a) The California Farm to School Child Nutrition
27 Improvement Program is hereby established. The program shall
28 be implemented, subject to the conditions of Section 9105, by the
29 department, in collaboration with CDFA and DHS. The program
30 shall be implemented in a collaborative manner that recognizes
31 the specific expertise of the agencies and makes effective use of
32 that expertise to most efficiently and effectively implement a
33 successful program. The department, CDFA, and DHS may
34 receive and contribute resources to carry out the purposes of the
35 program. It is the intent of the Legislature that the department,
36 CDFA, and DHS execute a memorandum of understanding
37 reflecting the provisions of this section.

38 (b) The purposes of the program include all of the following:

39 (1) Improve the health and nutrition of California school
40 children by increasing their consumption of fresh, ~~seasonally~~

1 ~~grown fruits and vegetables~~ *farm commodities, including fruits,*
2 *vegetables, and nuts,* in coordination with, the 5 A Day-For
3 Better Health program, as appropriate.

4 (2) Increase opportunities for California farmers to market
5 directly to local schools and school districts.

6 (3) Provide information and technical assistance to schools
7 and school districts, food service personnel, farmers, and produce
8 distributors and processors regarding the demand for and the
9 ~~availability of fresh and seasonal local, regional, and~~
10 ~~California-grown farm products.~~ *availability of California farm*
11 *products, with an emphasis on locally and regionally grown*
12 *products.*

13 (4) Identify and eliminate barriers—~~to successful~~
14 ~~implementation of~~ *in order to successfully implement* Farm to
15 School programs.

16 (5) Promote successful models and strategies for local Farm to
17 School programs to school districts, food service personnel,
18 farmers, distributors, and processors.

19 9105. (a) This article shall be implemented to the extent
20 funds are available from sources identified in this section. The
21 department, CDFA, and DHS are encouraged to seek funding for
22 the program from all available sources, including, but not limited
23 to, federal funds awarded to California to promote the
24 consumption of fresh fruits and vegetables, other federal funds,
25 private funds, or state funds appropriated by the Legislature. The
26 department shall collaborate, as appropriate, with CDFA and
27 DHS to secure nonstate funds, including public and private
28 grants, to implement the program.

29 (b) The department may, at its sole discretion, contract with
30 qualified organizations, including organizations with
31 demonstrated expertise in implementing Farm to School
32 programs, for general or specialized services to implement this
33 article, including personnel, marketing, public relations, training,
34 research, evaluation, and administration.

35 9106. (a) The department shall, subject to Section 9105,
36 collaborate with CDFA and DHS to establish a Farm to School
37 interagency working group to coordinate and advance the work
38 of the program. ~~The~~

39 (b) *The working group shall include do all of the following:*

(1) *Include* representatives of the department, CDFA, ~~and DHS. The working group shall seek the participation and input of DHS, and~~ interested stakeholders, including, but not limited to, school districts, food service directors, farmers, food distributors and processors, and farm organizations with expertise in Farm to School programs, and nonprofit organizations with expertise in community food security. ~~The working group shall identify~~

(2) *Identify* and promote the critical components of individual Farm to School programs and advise the department on needed actions and effective strategies to implement the California Farm to School Child Nutrition Improvement Program.

(3) *Consider all of the following issues, in addition to any others it deems necessary:*

(A) *Packing and grading standards.*

(B) *Food safety.*

(C) *Ensuring timely payments to farmers participating in Farm to School programs.*

(D) *Informing schools of the availability of farm products.*

(E) *The adequacy of staffing, storage, and preparation equipment necessary to operate a Farm to School program.*

(F) *Promoting curriculum that links Farm to School program activities to existing state academic content standards.*

9107. (a) The department shall, subject to Section 9105, offer voluntary ~~Farm to School~~ workshops and training sessions to school food service directors and personnel on ~~the purchasing and use of seasonal fruits and vegetables from local farmers for use in strategies for implementing Farm to School programs that are connected to~~ federally reimbursable meal programs and other meals served on campus. Training sessions shall promote school lunch program marketing strategies that link to other on-campus nutrition activities, including, but not limited to, nutrition education in the classroom, school gardens, and cooking demonstrations. To the extent feasible, the workshops and training sessions may be offered in conjunction with other nutrition outreach and education programs sponsored by the department.

(b) The department shall, subject to Section 9105, incorporate into existing nutrition education and training programs, including, as appropriate, nutrition courses offered to child nutrition personnel through the California Professional Nutrition

1 Education and Training Centers (CAL-PRO-NET) and menu
2 planning courses through the School Meals Initiative, the
3 opportunity for school food service personnel to voluntarily
4 receive training related to the purchasing and use of ~~seasonal~~
5 fruits and vegetables ~~from local farmers~~ obtained through a Farm
6 to School program for use in federally reimbursable meal
7 programs and other foods served on campus.

8 9108. (a) The Legislature finds and declares all of the
9 following:

10 (1) The Fresh Fruit and Vegetable Program of the United
11 States Department of Defense is authorized to purchase farm
12 fresh fruits and vegetables directly from farmers within a state
13 for sale within that state to participating school districts, using
14 the existing procurement channels of the department and state
15 and private transportation and storage systems to maximize
16 efficiency and minimize costs to schools. When used for this
17 purpose the program is referred to as the DoD Farm to School
18 Program.

19 (2) In states where the DoD Farm to School Program is being
20 used to purchase and distribute farm fresh products from within
21 the state to school districts within the state, there is a measurable
22 financial benefit to the state's farmers and increased availability
23 of fresh produce through the school meal program.

24 (3) California has not established a DoD Farm to School
25 Program and the Fresh Fruit and Vegetable Program of the
26 United States Department of Defense has been significantly
27 underused in California for the purpose of distributing farm fresh
28 produce to California school districts from farmers within the
29 state.

30 (4) The creation of a DoD Farm to School Program would
31 provide opportunities to increase the purchase of
32 California-grown fruits and vegetables for consumption in
33 California schools.

34 (b) The department and CDFA shall work with the United
35 States Department of Defense to implement a DoD Farm to
36 School Program in California in order to maximize the purchase
37 of fruits and vegetables by the United States Department of
38 Defense from California farmers for purchase by school districts.

39 ~~(c) The department shall work with CDFA, buyers from the~~
40 ~~United States Department of Defense, and private entities in~~

1 ~~order to identify farmers that can supply the DoD Farm to School~~
2 ~~Program.~~

3 ~~(d)–~~

4 (c) In order to assist school districts and food service directors
5 wishing to implement a Farm to School program and increase the
6 purchase of locally, regionally, and California-grown fruits and
7 vegetables by California school districts, the department, with
8 support from the United States Department of Defense and
9 private entities, shall identify on all of its offering lists the source
10 of all seasonal California produce that is available through the
11 DoD Farm to School Program.

12 ~~(e)–~~

13 (d) In carrying out this section, the department and CDFA may
14 consult or contract with any private organization that has
15 experience working with farmers and schools implementing
16 Farm to School programs and the United States Department of
17 Defense Fruit and Vegetable Program in California.

18 9109. (a) The Legislature finds and declares all of the
19 following:

20 (1) The Child Nutrition and WIC Reauthorization Act of 2004
21 (Public Law 108-265) authorizes the Farm to Cafeteria and
22 School Gardens Program in order to improve access to local
23 foods in schools. The competitive grants program of the act
24 provides a 75-percent match to other funds raised by the schools
25 and other qualified entities.

26 (2) Seed grants can be key to establishing successful ~~local~~
27 Farm to School programs, by providing early funding for
28 planning, training for food service staff, equipment purchases,
29 development of procurement procedures, outreach to ~~local~~
30 farmers, and related activities.

31 (3) The federal Farm to Cafeteria and School Gardens
32 Program provides a model for the types of activities that should
33 be covered by a state seed grant program, and the allowable
34 grantees for such a program.

35 (b) The department, subject to Section 9105, shall administer a
36 Farm to School seed grant program to assist school districts,
37 farmers, and others directly involved ~~in a Farm to School~~
38 ~~program in carrying out the purposes of this article. Grants shall~~
39 ~~be awarded on a competitive basis, in amounts determined by the~~
40 ~~department, to school districts and nonprofit organizations to~~

1 ~~carry out the purposes of this article.~~ *with schools in establishing*
2 *and implementing a Farm to School program. The department,*
3 *CDFA, and DHS shall jointly establish a process to review grant*
4 *proposals and award grants on a competitive basis to school*
5 *districts and nonprofit organizations for purposes of establishing*
6 *and implementing a Farm to School program. The department*
7 *shall seek the advice of the Farm to School interagency working*
8 *group, and refer to the federal Farm to Cafeteria and School*
9 *Gardens Program, in establishing criteria for and implementing*
10 *the seed grant program.*

11 (c) The department, CDFA, and DHS shall make all feasible
12 efforts to secure federal funding, and to assist school districts, as
13 feasible, in securing federal funding, as made available through
14 the Child Nutrition and WIC Reauthorization Act of 2004 (Public
15 Law 108-265) and other available sources, to provide funds for
16 seed grants.

17 SEC. 2. Chapter 5 (commencing with Section 43600) is
18 added to Division 17 of the Food and Agricultural Code, to read:

19
20 CHAPTER 5. FARM TO SCHOOL PROGRAM

21
22 43600. It is the policy of the state to encourage and take all
23 feasible steps to increase the direct purchase of locally grown and
24 California-grown farm products by public schools and to assist
25 school districts and farmers in establishing and maintaining
26 successful Farm to School programs. It is further the policy of
27 the state to, as feasible, expand the Farm to School concept to
28 other public institutions, including, but not limited to,
29 universities, public hospitals, and correctional facilities.

30 43601. (a) The department, in collaboration with the
31 California Farm to School Child Nutrition Improvement Program
32 implemented pursuant to Article 3 (commencing with Section
33 9100) of Chapter 10 of Part 6 of the Education Code, shall, to the
34 extent funding is available, ~~provide~~ *do both of the following:*

35 (1) *Provide* outreach and technical assistance to farmers and
36 others in the agricultural industry seeking to establish or
37 participate in a Farm to School program. The outreach and
38 assistance shall emphasize voluntary local workshops and
39 training sessions where farmers can receive hands-on advice and
40 training on opportunities and strategies to sell and market their

1 farm fresh products more directly to schools. Training sessions
2 shall promote farmers working with schools to market the farm
3 fresh products that are offered in the cafeteria and offer hands-on
4 nutrition education through activities such as, but not limited to,
5 farm visits, agricultural demonstrations, and farmer visits to
6 schools.

7 *(2) Work with the United States Department of Defense to*
8 *establish in California a DoD Farm to School program, as*
9 *described in paragraph (1) of subdivision (a) of Section 9108 of*
10 *the Education Code, and assist commodity growers in*
11 *overcoming their barriers to participation in the program.*

12 (b) The department may, at its sole discretion, contract with
13 qualified organizations, including organizations with
14 demonstrated expertise in implementing Farm to School
15 programs, for general or specialized services to implement this
16 chapter, including personnel, marketing, public relations,
17 training, research, evaluation, and administration.

18 (c) To the extent feasible, the department shall make the
19 outreach and technical assistance information provided pursuant
20 to this section available through the department's Internet Web
21 site.